

## COASTAL CONSERVANCY

Staff Recommendation

March 10, 2005

### **FERNANDEZ RANCH ACQUISITION AND TRAIL AND STREAM RESTORATION PLANNING**

File No. 05-004

Project Manager: Abe Doherty

**RECOMMENDED ACTION:** Authorization to disburse up to \$1,125,000 to the Muir Heritage Land Trust for the acquisition of the 702.47-acre Fernandez Ranch in Contra Costa County and for planning of stream restoration on the property and \$58,000 to the Bay Area Ridge Trail Council for trail planning on the property.

**LOCATION:** Fernandez Ranch, Franklin Ridge, south of Highway 4, west of Christie Road, near Hercules, unincorporated Contra Costa County (Exhibit 1, Project Location and Site Map)

**PROGRAM CATEGORY:** San Francisco Bay Conservancy

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#### **EXHIBITS**

Exhibit 1: Project Location and Site Map

Exhibit 2: Letters of Support

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#### **RESOLUTION AND FINDINGS:**

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31160-164 of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed one million one hundred twenty-five thousand dollars (\$1,125,000) to the Muir Heritage Land Trust (“MHLT”) for the acquisition of the approximately 702.47-acre Fernandez Ranch, Contra Costa County Assessor Parcel Numbers 362-040-002, 362-040-003, 362-040-004 and 362-050-005, and for planning for stream restoration on the property and further authorizes the disbursement of an amount not to exceed fifty eight thousand dollars (\$58,000) to the Bay Area Ridge Trail Council for trail planning on the Fernandez Ranch property. This authorization is subject to the following conditions:

1. Prior to the disbursement of funds for acquisition, the MHLT shall submit for the review and approval of the Executive Officer of the Conservancy:

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- a) All relevant acquisition documents, including but not limited to the appraisal, environmental assessments, agreement of purchase and sale, escrow instructions, title reports, and documents of title necessary to the acquisition of the Fernandez Ranch property.
  - b) Evidence that sufficient funds other than Conservancy funds are available to complete the acquisition.
  - c) An agreement executed by MHLT under Government Code Section 831.5 regarding nondiscriminatory public access and tort immunity.
  - d) Evidence that the property will be permanently restricted to habitat restoration and preservation, protection of natural areas, and public access, pursuant to Public Resources Code Section 31116(b).
2. The MHLT shall pay no more than fair market value for the property.
  3. Any future transfer of this property shall be subject to the approval of the Executive Officer of the Conservancy and any funds generated from such a transfer in excess of the grantee's costs, up to the total amount disbursed pursuant to this authorization, shall be repaid to the Conservancy.
  4. The MHLT shall acknowledge Conservancy and NOAA funding by erecting and maintaining on the Fernandez Ranch property a sign that has been reviewed and approved by the Executive Officer.
  5. Prior to the disbursement of funds to the MHLT for stream restoration planning, the Executive Officer of the Conservancy shall approve in writing a work plan, including budget and schedule, and any contractors proposed to be used.
  6. Prior to the disbursement of funds to the Bay Area Ridge Trail Council for trail planning, the Executive Officer of the Conservancy shall approve in writing a work plan, including budget and schedule, and any contractors proposed to be used.

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with the purposes and objectives of the San Francisco Bay Area Conservancy Program, Chapter 4.5 of Division 21 of the Public Resources Code 31160-31164.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The MHLT is a nonprofit organization existing under provisions of U.S. Internal Revenue Code Section 501(c)(3) whose purposes are consistent with Division 21 of the Public Resources Code.

4. The Bay Area Ridge Trail Council is a nonprofit organization existing under provisions of U.S. Internal Revenue Code Section 501(c)(3) whose purposes are consistent with Division 21 of the Public Resources Code.

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**PROJECT SUMMARY:**

The project will result in the acquisition of the approximately 702-acre Fernandez Ranch ("Property") by the Muir Heritage Land Trust, and the planning necessary to restore Rodeo Creek and construct the Bay Area Ridge Trail ("Ridge Trail") and other trail segments on the Property. Staff recommends this acquisition due to the threat of development and the opportunity to protect sensitive environmental resources, including threatened species and riparian habitat, and provide significant recreational opportunities with construction of the Ridge Trail on the Property.

To support this acquisition, staff requests that the Conservancy provide a combination of Conservancy funds from Proposition 50 and funds the Conservancy was awarded from the National Oceanic and Atmospheric Administration (NOAA) Coastal and Estuarine Land Conservation Program (CELCP). NOAA provided the Conservancy with a total of \$987,477 for the acquisition of historic tidelands and watershed lands draining to the San Pablo Bay. The Conservancy previously authorized disbursement of \$500,000 of these funds for the acquisition of the North Point Joint Venture property in Sonoma County. The remainder of these NOAA CELCP funds, \$489,477, would be combined with the contribution from the Conservancy funds to provide a total of \$1.025 million for the acquisition of the Fernandez Ranch and pre-acquisition expenses.

The Fernandez Ranch is located in the upper portion of the watershed of Rodeo Creek, which enters San Pablo Bay in the community of Rodeo, approximately 2 miles southwest of the Al Zampa/Carquinez Bridge. Tributaries of Rodeo Creek are located on the Property and have been eroded and destabilized from various causes. The headwaters of another stream, Refugio Creek, are located on the most western portion of the Property, and also drain into San Pablo Bay, through the City of Hercules.

The project includes funding for planning activities for riparian restoration of the tributaries to Rodeo Creek on the Property. The purpose of the restoration is to reconnect the stream to the floodplain, restore a dynamic equilibrium to the stream, restore native plant species in the riparian corridor, and enhance and protect the habitat for sensitive species such as the Alameda whipsnake, California red-legged frog and the Western pond turtle. The planning activities will include collection of information on the current condition of the stream and the causes for the degradation of the stream channel, design of measures to restore the stream, and preparation of environmental review documents and permit applications for implementing the restoration.

Acquisition of the Property will provide significant recreational opportunities, due, in part, to the Property being part of the planned route for the Bay Area Ridge Trail, which, when completed, will be a 500-mile trail on the ridgetops surrounding San Francisco Bay. Improving public access to and along the ridgetops of the San Francisco Bay Area through completion of the Ridge Trail is one of the goals of the San Francisco Bay Conservancy Program. To advance the construction of the Ridge Trail and other trails on the Fernandez Ranch, this project includes trail planning funds to the Bay Area Ridge Trail Council (BARTC) to support activities such as an

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alternatives analysis, trail design, environmental review documentation, and permit preparation for construction of trails on the Property. The BARTC is a non-profit 501(c)(3) organization whose mission is to plan, promote, acquire, build and maintain the Ridge Trail.

Based on preliminary review of the Property by BARTC, it is expected that the trail planning process will result in approximately 2.5 miles of Ridge Trail being constructed on the Property. In order to provide public access to the Ridge Trail for hikers, bicyclists and equestrians, it is likely that two segments will need to be constructed. One segment will connect to the land adjacent to the south, which is owned by the East Bay Municipal Utilities District. The other segment will be aligned to the southeast to connect to private lands, allowing for a multi-use connection to Feeder Trail #1. The planning process will also consider developing an internal loop trail, for people who want a more limited recreational opportunity that does not involve connecting to trails on adjacent properties. All trail development will be designed to avoid impacts to sensitive environmental resources.

The MHLT is a nonprofit 501(c)(3) organization that has been working to preserve undeveloped lands within the Franklin Ridge Wildlife and Trail Corridor since 1988. MHLT's current land holdings include the 80-acre Gustin Ranch, 242-acre Sky Ranch, 158-acre Dutra Ranch and the 122-acre Pacheco Marsh, with conservation easements on 180 acres within the Stonehurst subdivision and the 7-acre Bodfish Preserve in Orinda.

After approximately five years, MHLT intends to transfer ownership of the largest parcel, APN 362-040-002, which comprises approximately 568 acres of the 702 acre Property, to the East Bay Regional Park District, which will own and manage this portion of the Property for the long-term. This transfer of ownership from the land trust to EBRPD is necessary to satisfy the statutory requirement of the NOAA CELCP program that property acquired using CELCP funds be held in public ownership.

### **Site Description:**

This rural property consists of four contiguous parcels comprising approximately 702 acres in unincorporated Contra Costa County (Assessor Parcel Numbers 362-040-002, 362-040-003, 362-040-004 and 362-040-005), between Refugio Valley Rd and Christie Road, both of which provide access to the Property. The Property consists of predominantly undeveloped hills, ranging in elevation from approximately 200 to 1000 feet above mean sea level, with remnants of a former homestead and dairy barn from the middle of the last century and a windmill/water well on the site.

The Property is directly adjacent to the Urban Limit Line for the City of Hercules, which adjoins the Property to the west and north. The City of Hercules was one of the fastest-growing cities in California during the 1980s and continues to have strong development pressure, including at a 456-acre property adjacent to the northwest of the Fernandez Ranch, on which hundreds of houses, a luxury hotel and an office were proposed, but defeated by voters in a November 2004 initiative. Development proposals for this adjacent property have included constructing a road through the Fernandez property to access this adjacent site and to install a water tank on the Fernandez property to serve the proposed subdivision.

The Property is located within, and is adjacent to the northern boundary of the 60,000-acre Briones Hills Agricultural Preserve (Preserve). The Preserve is a greenway surrounded by 14 municipalities and established by resolution in 1987 by the Contra Costa County Board of

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Supervisors to protect wildlife habitat, recreational trail corridors, and agriculture within the rapidly urbanizing central Contra Costa County. Preservation of the Property as a natural area will help protect the terms of the Preserve.

The Fernandez acquisition will protect and reconnect four parcels from the original 9,000 acre property, which has been held by the Fernandez family since 1882, when Bernado Fernandez bought the land from the daughter of the original Spanish land grant holder. Other portions of the 9,000 acre ranch that had previously sold include a 2,000 acre area now owned by the East Bay Municipal Utility District, located directly to the south of the Fernandez property and the 456-acre property to the northwest that has been the subject of controversy over development plans.

### *Natural Resources*

The vegetative communities at the Fernandez property are predominantly grassland, with significant areas of Coast live oak woodland, and smaller amounts of diverse riparian habitats and small isolated freshwater wetlands associated with stock ponds and springs/seeps.

The riparian habitats on the Property include riparian scrub, which is one of the primary habitats associated with the federally and state-listed threatened Alameda whipsnake. In February 2004, the State Department of Fish and Game prepared a Franklin Ridge Conceptual Area Protection Plan (CAPP) for the acquisition of lands and conservation easements by MHLT in the Franklin Ridge area, which included the Fernandez property. This CAPP states that the entire Franklin Ridge area lies within the U.S. Fish and Wildlife's designated Critical Habitat for the whipsnake. The CAPP reports that there were whipsnake observations less than ¼ mile to the north and less than ½ mile to the south of the Fernandez property and concludes that the "Fernandez parcel is a crucial link in a regional context for both habitat and a north-south link between these documented Alameda whipsnake localities and other habitat in the region."

The CAPP states that California red-legged frog, a federally threatened species and a California Species of Special Concern, is known to occur in the vicinity of the Fernandez property, and that, "due to its close proximity to Rodeo Creek, the Fernandez property may contain breeding habitat and the entire site may be considered dispersal habitat."

The CAPP also notes that suitable habitat for the Western pond turtle, a California Species of Special Concern, is present within Rodeo Creek on the Fernandez property. The CAPP establishes management objectives for Franklin Ridge acquisitions, which include the restoration of riparian corridors for wildlife movement to benefit the whipsnake and provide ponds for the California red-legged frog and Western pond turtle.

The CAPP states that suitable nesting habitat exists in the Franklin Ridge for Cooper's hawk, white-tailed kite, northern harrier and other raptors such as the State endangered peregrine falcon; all have been observed foraging on the open ridgelines of the Franklin Ridge.

The CAPP concluded that preserving Franklin Ridge would provide a wildlife corridor between Briones Regional Park, the 10,000 acre EBMUD watershed, and NPS lands at Mt. Wanda, and contribute to the hydrologic integrity of the Rodeo and Alhambra Creek watersheds.

### *Public Access*

The proposed route of the Bay Area Ridge Trail crosses over the Property and one of the primary management goals of the Property will be to develop and maintain public access on trails across

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the Property, including on the Ridge Trail. On the western boundary of the Property are residential neighborhoods from the City of Hercules that will have direct access to using the trails on the Property. The population of the City of Hercules is racially diverse, with 43% Asian, 23% White, 18% Black or African-American, and 11% Hispanic or Latino.

### *Grazing*

The Property has historically, and is currently, grazed by cattle. MHLT intends to allow continued grazing by cattle on the Property to manage invasive plants, reduce fire hazards and to support the historic grazing tradition at the site. The cattle grazers on MHLT properties do not pay rent; rather, MHLT negotiates in-kind services for land-management activities, such as fencing and gate repair. MHLT will develop and implement a management plan to ensure that the grazing does not negatively impact the sensitive environmental resources on the Property, including the streams and habitats of the sensitive species.

### **Project History:**

In 2002, the San Francisco Bay Area Conservancy Program worked with partner organizations to identify regional priorities for land conservation around the Bay Area. The Franklin Ridge, where the Fernandez Ranch is located, was identified as an important area for conservation of agricultural land, scenic viewshed protection, and upland habitat values, and was included in the Conservancy's 2003 Strategic Plan as a priority upland project area. The Conservancy previously provided funding for other acquisitions by MHLT in the Franklin Ridge, including the 80-acre Gustin Ranch, 242-acre Sky Ranch and the 158-acre Dutra Ranch. Acquisition of the Fernandez Ranch supports the Conservancy's implementation of regional goals and, with the preservation of these 702 acres, significantly increases the amount of protected natural lands in the Franklin Ridge.

In recent years, the Fernandez family, which has owned the Property since 1882, was contacted by the Greenpark Development Corporation, which had proposed the large subdivision and development of the property adjacent to the northwest of Fernandez. Greenpark was interested in using the Fernandez property to install a road and a water tank to serve the proposed development, and as mitigation for the development. The Fernandez family ultimately chose to negotiate the sale of their property with MHLT to preserve the land as undeveloped and to honor their family history at the site.

In April 2004, the owners of the Fernandez parcels and MHLT entered into an agreement for the purchase and sale of the property. In May 2004, the Conservancy staff and subsequently the Department of General Services reviewed and approved an appraisal that established the value of the Property at \$3,200,000. MHLT conducted an extensive fundraising campaign, but due to the need to raise significant funds from a variety of sources, in September 2004, the owners and MHLT approved an amendment to the purchase agreement to extend the date of the funding contingency period from September 2004 until February 28, 2004. It is anticipated that the purchase agreement will be amended again to add an additional small time extension.

The Conservancy is a major partner helping to complete the Bay Area Ridge Trail, which is one of the goals identified in the enabling legislation for the San Francisco Bay Area Conservancy Program. BARTC has been working with MHLT and the Conservancy to support the acquisition and planning for construction of the Ridge Trail at the Property. This project will advance the Conservancy's goal of completing the Ridge Trail by securing the trail corridor on the Property

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for public access and by providing to BARTC the planning funds necessary for construction of the Ridge Trail on the Property.

### **PROJECT FINANCING:**

#### **Acquisition Costs**

Wildlife Conservation Board	1,000,000
Gordon & Betty Moore Foundation	1,000,000
Coastal Conservancy (Prop. 50)	\$535,523
Coastal Conservancy (Nat'l Oceanic & Atmos. Admin.)	489,477
Environmental Enhancement Mitigation Program	152,000
Muir Heritage Land Trust	<u>48,000</u>
<b>Total Acquisition Cost</b>	<b>\$3,225,000</b>

#### **Riparian Restoration Planning Costs**

Coastal Conservancy	\$100,000
Muir Heritage Land Trust	<u>\$100,000</u>
<b>Total Riparian Restoration Planning Cost</b>	<b>\$200,000</b>

#### **Trail Planning Costs**

Coastal Conservancy	\$58,000
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#### **Total Conservancy Contribution**

The Conservancy's combined contribution for the acquisition, riparian restoration planning and trail planning costs is \$1,183,000.

#### **Source of Conservancy Funds**

Conservancy funds for the acquisition and riparian restoration components of the project are expected to derive from the San Francisco Bay Area Conservancy Program's appropriation from the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Proposition 50), which is for coastal watershed protection pursuant to Chapter 4.5 of Division 21 of the Public Resources Code. As discussed in the "Consistency with Conservancy's Enabling Legislation" section below, the project is consistent with the goals of the San Francisco Bay Area Conservancy Program.

The anticipated source of the trail planning funds is the San Francisco Bay Area Conservancy Program's appropriation from Proposition 40, the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002. The Proposition 40 legislation (PRC Section 5096.650(b)(8)) allocated funds to the San Francisco Bay Area Conservancy Program for the acquisition and development of land, air, and water resources, in accordance with the particular provisions of the statute creating the San Francisco Bay Area Conservancy Program. This project is consistent with the Proposition 40 legislation since it helps to implement one of the goals stated in the statute creating the San Francisco Bay Area Conservancy Program (PRC 31162), which is to improve public access to and around ridgetops, through completion of Ridge

Trail systems.

**CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:**

The proposed project is consistent with the provisions of Chapter 4.5 of Division 21 of the Public Resources Code, Sections 31160-31164, which states that the Conservancy may award grants in the nine-county San Francisco Bay Area that help to achieve various goals. The proposed project, located entirely within the San Francisco Bay Area, supports the Conservancy's work in achieving two of the goals of the San Francisco Bay Conservancy Program, identified in Section 31162(a) and (b), as described below.

Section 31162(a) authorizes the Conservancy to "improve public access to and around the bay, coast, ridgetops, and urban open spaces...through completion and operation of regional bay, coast, and ridge trail systems, and local trails connecting to population centers..." The proposed project will acquire real property to preserve the trail corridor for the Bay Area Ridge Trail and will also provide planning funds for construction of the Ridge Trail on the Property, connecting the Property to regional trail systems and urban areas, including residential areas of Hercules that abut the Property to the west.

Since the Fernandez family is a willing seller of the Property, the project is consistent with the component of Section 31162(a) that requires that public access projects of the Conservancy be consistent with the rights of private property owners. The project is also consistent with the aspect of Section 31162(a) that requires that public access projects not have a significant adverse impact on agricultural operations and environmentally sensitive areas and wildlife. (See "Grazing" under "Site Description", above and "Compliance with CEQA", below). As described below in the "Consistency with Local and Regional Plans" section, the project meets the requirement of Section 31162(a) that it be consistent with locally and regionally adopted plans.

The project also supports the second goal of the San Francisco Bay Conservancy Program, set forth in Section 31162(b), to "protect, restore and enhance natural habitats and connecting corridors, watersheds, scenic areas, and other open-space resources of regional importance." This acquisition will result in the protection of the natural habitats, watersheds of Rodeo and Refugio Creeks, scenic areas, and significant recreational trail connection opportunities located on the Fernandez Ranch. The trail planning project will enhance open-space resources of regional importance by performing work necessary to complete a portion of a regionally significant trail, the Bay Area Ridge Trail. The stream restoration planning project will result in the design of a project which will restore and enhance the riparian habitat of Rodeo Creek.

The Fernandez Ranch project satisfies all of the criteria for determining project priority under 31163(d), since the project: 1) is supported by adopted regional plans including the Contra Costa County General Plan, the Briones Hills Agricultural Preserve compact and the EBRPD Master Plan, 2) serves a regional constituency in that the project will help preserve habitat of threatened species and provide public access including through use of the Ridge Trail on the Property, 3) can be implemented immediately, 4) provides benefits that would be lost if the project is not quickly implemented, and 5) includes significant matching funds.



**CONSISTENCY WITH CONSERVANCY'S  
STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):**

Consistent with **Goal 10 Objective A** of the Conservancy's Strategic Plan, the proposed project will acquire 702 acres of watershed areas, including tributaries of Rodeo and Refugio Creeks.

Consistent with **Goal 10 Objective B**, the project will develop plans for the restoration of approximately two miles of riparian habitat on a portion of Rodeo Creek.

Consistent with **Goal 11 Objective A**, the amount of land that is accessible to the public will increase, by acquiring 702 acres of privately-owned land and making it open for public access, including through the planning for construction of approximately 2.5 miles of Ridge Trail.

Consistent with **Goal 11 Objective B**, the proposed project will help implement approximately 2.5 miles of the Bay Area Ridge Trail.

**CONSISTENCY WITH CONSERVANCY'S  
PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines adopted January 24, 2001, in the following respects:

**Required Criteria**

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Support of the public:** The project has widespread support, including that of Member of Congress Ellen Tauscher, State Senator Tom Torlakson, Assemblymember Joseph Canciamilla, Contra Costa County Board of Supervisors Chair Gayle Uilkema, the State Department of Fish and Game, the East Bay Regional Park District, and Friends of Franklin Canyon,.
4. **Location:** The project is located in Contra Costa County, within the jurisdiction of the San Francisco Bay Area Conservancy Program.
5. **Need:** The acquisition of the Fernandez Ranch and the planning for trails and riparian restoration could not occur without Conservancy support. The project will protect Ridge Trail corridor and provide planning for construction of a new segment of the Ridge Trail, of which only slightly more than half of the proposed 500-mile Bay Area Ridge Trail has been constructed and dedicated to date.
6. **Greater-than-local interest:** In creating the San Francisco Bay Area Conservancy Program, the legislature identified San Francisco Bay as the central feature in an interconnected open-space system of watersheds, natural habitats, scenic areas, agricultural lands and regional trails of statewide importance. In PRC Section 31162(a), the legislature identified improving public access to ridgetops and completing the Ridge Trail as one of the goals of the SF Bay

Area Conservancy. The acquisition of the Fernandez property will protect the Ridge Trail corridor and the trail planning component of this project will contribute towards the completion of the Bay Area Ridge Trail, which creates regional connections between parklands, agricultural lands, natural areas and cultural resources. The preservation of habitat for protected sensitive species, including the Alameda whipsnake, California red-legged frog and the Western pond turtle, also represents a greater-than-local interest.

### **Additional Criteria**

7. **Urgency:** Since the Property is adjacent to the Urban Limit Line for the City of Hercules, which is experiencing rapid development, preservation of this land as a natural area is urgent. Implementation of well-designed restoration measures for Rodeo Creek must occur in a timely manner in order to prevent worsening of the erosion and destabilization of the stream channel. It is also urgent to protect the habitat of the Alameda whipsnake, California red-legged frog and the Western pond turtle.
8. **Resolution of more than one issue:** The project will eliminate the threat of development; protect natural habitats, including that of species protected by state and federal endangered species legislation; restore riparian habitats; and provide public access, including through use of the Ridge Trail.
9. **Leverage:** See the “Project Financing” section above.
10. **Conflict resolution:** Since the Property is within the Briones Hills Agricultural Preserve, but directly adjacent to the Urban Limit Line for the City of Hercules, which has been experiencing rapid development, acquisition of the Property will protect the integrity of the Preserve compact and prevent conflicts such as the development proposal on the property adjacent to the northwest, which was the subject of a successful November 2004 voter initiative to prevent development of this adjacent property.
11. **Innovation:** The stream restoration planning project will include an alternatives analysis to evaluate innovative measures to restore the stream channel and functions.
12. **Readiness:** An appraisal of the Property has been approved by the Department of General Services and the MHLT has negotiated a transaction that is acceptable to the private landowners. All funding for the acquisition has been identified and the project is ready to move ahead.
13. **Realization of prior Conservancy goals:** The preservation of approximately 2.5 miles of Ridge Trail corridor and planning for construction of a segment of the Ridge Trail on the Property support the San Francisco Bay Conservancy Program’s goal of completing the Ridge Trail.
15. **Cooperation:** Financial support for the project has been contributed by federal, state and local government agencies and from private donors. The East Bay Regional Parks District will assume public ownership of the majority of the Property.

### **CONSISTENCY WITH LOCAL & REGIONAL PLANS:**

In 1988, the Contra Costa Board of Supervisors, in an agreement with surrounding municipalities, designated the 60,000-acre Briones Hills Agricultural Preserve, which includes the Fernandez property, as an area for open space and agricultural protection. Contra Costa

County subsequently included in its General Plan a policy (No. 3-155) that asserts the County's strong support of the intent of the Briones Hills Agricultural Preservation Area compact. The compact states that the jurisdictions agree not to annex any lands within the Preserve for the purposes of allowing urban development. The Fernandez project protects the integrity of this compact, by preserving approximately 700 acres on the northern boundary of the Preserve as a natural area, consistent with the County's Land Use Plan Map, which designates the zoning of the Property as open space.

The East Bay Regional Park District's 1997 Master Plan (Figure 2, "Potential Major Regional Trail Routes") shows the Ridge Trail as being aligned on Franklin Ridge, in the vicinity of the Fernandez property. The Master Plan identifies the Ridge Trail as a regional trail that the district will coordinate with other agencies and organizations involved in planning for the Ridge Trail. The Fernandez project is consistent with this aspect of the Master Plan, since it will protect approximately 2.5 miles of the proposed alignment of the Ridge Trail and provide funding for planning activities for construction of the Ridge Trail on the Property. The Fernandez project supports the goal identified in the Master Plan of acquiring and developing trails with usable links to support development of regional trails such as the Ridge Trail.

#### **COMPLIANCE WITH CEQA:**

Land acquisition for the purpose of preserving the land in its natural condition and providing public access is categorically exempt from the California Environmental Quality Act (CEQA), under 14 Cal. Code of Regulations Section 15313, Acquisition of land for wildlife conservation purposes; §15325, Transfers of Ownership of Interest in Land to Preserve Existing Natural Conditions; and §15316, Transfer of Ownership of Land in Order to Create Parks.

The trail and riparian restoration planning activities are statutorily exempt from CEQA under Section 15262 because they involve only feasibility and planning studies for possible future actions that have not yet been adopted by the Conservancy and will not have a legally binding effect on later activities. The riparian and trail planning projects are also categorically exempt under Section 15306, which exempts basic data collection and resource evaluation activities leading to an action which the Conservancy has not yet approved, adopted, or funded.

Upon approval, staff will file a Notice of Exemption for this project.